

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RAYMOND HEDGESPELTH, et al.,

Plaintiffs,

v.

Case No. 07-C-1053

BYRAN BARTOW, et al.,

Defendant.

ORDER TO SHOW CAUSE

Four Chapter 980 patients at the Wisconsin Resource Center filed a motion for a temporary restraining order and preliminary injunction on November 28, 2007. No complaint was filed with the motion. Upon receipt, the clerk of court informed the plaintiffs that either a filing fee or motion to proceed *in forma pauperis* was required. After an extension of time was granted, the full fee was received on December 26, 2007. Soon after, on January 8, 2008, the plaintiffs filed a motion with this court seeking to withdraw the original motion for a TRO on the basis that they would now be filing a standard complaint.¹ They asked that the court retain their filing fee and keep the action open pending the filing of that complaint. On January 14, Plaintiff Raymond Hedgespeth asked that his own claims be voluntarily dismissed without prejudice, as he is being transferred to Sand Ridge and has since learned that his claims differed from those of the other plaintiffs.

¹This motion was signed only by Plaintiff Raymond Hedgespeth, however, who is not authorized to represent the other three plaintiffs.

At present this case is largely a void. No complaint has ever been filed in this action, which means there is actually no civil action commenced at all. Fed. R. Civ. P. 3. The only substantive filing consists of a motion for a TRO that at least one plaintiff has sought to withdraw. Accordingly, the plaintiffs, other than Hedgespeth, are hereby **ORDERED** to file a complaint within 30 days of the date of this order or show cause why their failure to do so should be excused. Failure to do so will result in dismissal. The motion to voluntarily withdraw from the action is **GRANTED** as to Plaintiff Raymond Hedgespeth.

SO ORDERED this 7th day of February, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge